

Federal Communications Commission

WASHINGTON, D.C.

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In the Matter of)

Amendment of Section 73.202(b))

Table of Allotments)

FM Broadcast Stations)

(Hartford, Michigan and)

South Haven, Michigan))

MM Docket No. _____
RM- _____
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Audio Division
Media Bureau

PETITION FOR RULEMAKING

WSJM, Inc. ("WSJM"), licensee of FM stations WZBL(FM), Channel 279A, Hartford, Michigan and WCSY-FM, Channel 252A, South Haven, Michigan, by its attorneys, hereby requests that the Commission conduct a rulemaking proceeding to amend Section 73.202(b) of the Commission's Rules, the Table of FM Allotments, as follows: to change WZBL(FM)'s community of license from Hartford, Michigan to South Haven, Michigan and to change WCSY-FM's community of license from South Haven, Michigan to Hartford, Michigan. In support of this proposal to swap the WZBL(FM) and WCSY-FM communities of license, WSJM states as follows:

WZBL(FM) and WCSY-FM are located on the same tower. Both currently operate at 3 kilowatts effective radiated power, and are currently prohibited from increasing facilities on their own or adjacent channels due to spacing restrictions and community coverage concerns. As a result, WSJM is seeking to change the community of license of WZBL(FM) from Hartford, Michigan to South Haven, Michigan and to change the community of license of WCSY-FM from South Haven, Michigan to Hartford, Michigan. As shown in the attached Engineering Statement prepared by Dybedock & Associates, Inc., a community of license swap will permit

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WCSY-FM licensed to Hartford to change its transmitter location and increase its power from 3.0 kilowatts to 6.0 kilowatts, resulting in a significant improvement to the station's facilities.¹ The proposed changes are consistent with Section 73.215(a) of the Commission's Rules as WZBL(FM) will continue to provide the entire community of South Haven with a signal in excess of 70 dBu from its current facilities. From its new location at 6.0 kilowatts, WCSY-FM will serve the entire community of Hartford with a signal in excess of 70 dBu.²

WZBL(FM) is a grandfathered 3 kilowatt short spaced station pursuant to Section 73.213(c)(1) and is currently short spaced to WXSS(FM) by 1.2 kilometers pursuant to Commission authorization, and has been so for years.³ In waiving its short spacing rules, the Commission determined that the "mere 1.2 kilometer short-spacing" that exists between WZBL(FM) on Channel 279A in Hartford and WXSS(FM) on Channel 279B in Wauwatosa is "de minimis."⁴ No new short spacing will be created by the proposal contained in this Petition as Channel 279A is currently short spaced with Channel 279B and will remain short spaced regardless of whether WZBL(FM)'s community of license is Hartford or South Haven.⁵ In sum,

¹ See Exhibit 1. A change in the reference coordinates for WZBL(FM), to specify a location from which it can operate with a full 6.0 kilowatts, is also requested.

² See Exhibit 1.

³ See *Rural Initiatives for Shelter and Education*, 8 FCC Rcd 2472 (1993).

⁴ That decision is consistent with numerous Commission decisions that have concluded that short spacings of less than one mile (1.6 kilometers) justify a waiver of the Commission's separation standards. See, e.g., *Baltimore Radio Show, Inc.*, 5 FCC Rcd 3712 (1990); *Kenter Broadcasting Company*, 62 RR 2d 1573 (1986), affirmed, 816 F.2d 8 (D.C. Cir. 1987) (per curiam).

⁵ Pursuant to Commission precedent, grandfathered short spaced stations which maintain their current spacings may nevertheless receive allotment changes. See, e.g., *Vero Beach, Florida*, 3 FCC Rcd 6152 (1988); *East Los Angeles, Long Beach, and Frazier Park, California*, 10 FCC Rcd 2864 (1995). As there will be no change in the actual facilities of WZBL(FM), this proposed allotment complies with the FCC policies laid out in these cases.

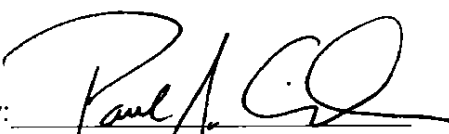
the instant proposal is deserving of approval as it will not create *any* new short spacing or interference different from that which already exists in the present allotment and is in the public interest as it will result in a preferential arrangement of allotments by allowing WCSY-FM to provide an improved broadcast service to the public.

Conclusion

In view of the foregoing, WSJM respectfully requests that the Commission institute a rule making proceeding that would amend the FM Table of Allotments to specify South Haven as WZBL(FM)'s community of license and Hartford as WCSY-FM's community of license. Should the Commission amend the FM Table of Allotments as requested herein, WSJM will promptly apply for a modified license to specify South Haven as WZBL(FM)'s community of license, will file for modified facilities to increase WCSY-FM's power from 3.0 kilowatts to 6.0 kilowatts, and will apply for a modified license to specify Hartford as WCSY-FM's community of license.

Respectfully submitted,

WSJM, INC.

By: 
David D. Oxenford
Paul A. Cicelski

Its Attorneys

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Dated: May 23, 2003

EXHIBIT 1

DYBEDOCK & ASSOCIATES, INC.

1455 Budd Boulevard - Kankakee, Illinois 60901
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ENGINEERING REPORT

A PETITION FOR RULE MAKING TO AMEND THE FM TABLE OF ALLOTMENTS

TO CHANGE THE CITY OF LICENSE OF WCSY-FM TO HARTFORD, MICHIGAN

TO CHANGE THE CITY OF LICENSE OF WZBL TO SOUTH HAVEN, MICHIGAN

WSJM, INC.

MAY 2003

DYBEDOCK & ASSOCIATES, INC.

1455 Budd Boulevard - Kankakee, Illinois 60901
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ENGINEERING STATEMENT

This Engineering Statement and the attached documents have been prepared by Howard S. Dybedock, President of Dybedock and Associates, Inc., Broadcast Technical Consultants of Kankakee, Illinois. This Report supports a petition by WSJM, INC. which requests a modification of the Table of FM Allotments that would swap the cities of license between WCSY-FM, South Haven and WZBL, Hartford, Michigan.

Dybedock and Associates, Inc. has been retained by WSJM, INC. ("licensee") to prepare the engineering portion for a rule making to change the City of License of WCSY-FM, on FM channel 252A to Hartford, Michigan and to change the City of License of WZBL, on FM Channel 279A to South Haven, Michigan.

Presently Channel 279A is assigned to Hartford, Michigan and is occupied by WZBL, which operates with a power limited to 3.0 KW @ 100 meters due to short spacings which occurred as a result of the revision of 73.207 in the *Second Report and Order* in MM Docket No. 88-375. There is no location at which Channel 279A can be fully spaced in order to improve the facility.

Presently Channel 252A is assigned to South Haven, Michigan and is occupied by WCSY-FM, which also operates with an equivalent power of 3.0 KW @ 100 meters as a result of short spacings which occurred as a result of the revision of 73.207 in the *Second Report and Order* in MM Docket No. 88-375.

WSJM, INC. is the licensee of both WCSY-FM and WZBL. Both stations are located on the same tower, and neither station can improve its facility, however, an area exists approximately 9.1 kilometers southwest of the present WZBL – WCSY-FM transmitters sites at which Channel 252A meets all spacing requirements of 73.207 at 6.0 kilowatts and 100 meters. From this location, WCSY-FM will serve the entire community of Hartford with a signal in excess of 70 dBu.

WZBL on FM Channel 279A will continue to operate with its present facility and will serve the entire community of South Haven with a signal in excess of 70 dBu.

As a result of this study, it has been determined that by switching the cities of license, WCSY-FM operating on Channel 252A can increase power to 6.0 kilowatts, resulting in a substantial improvement to its facility.

The population served within the 60 dBu contour by WCSY-FM presently totals 61,441. The area served is 1,859 square kilometers. The proposed move of the station and resultant power increase will increase the area served to 2,636 square kilometers and the population served to 118,888. The increase in served population is 57,447, an increase of 93.5%, and is clearly in the public interest.

Therefore, it is proposed that Section 73.202(b) of the FCC Rules and Regulations be amended as follows:

<u>Station</u>		<u>Present</u>	<u>Proposed</u>
WCSY-FM	252A	South Haven, MI	Hartford, MI
WZBL	279A	Hartford, MI	South Haven, MI

It is the Licensee's intent to move and construct the WCSY-FM, Channel 252A facility upon the grant of a construction permit, and to modify the license of the station in accordance with this petition.

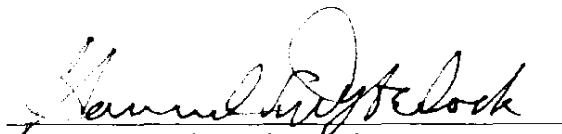
The change of the allotment of WCSY-FM on Channel 252A from South Haven to Hartford and the proposed move will meet all minimum separation requirements of the FCC Rules, and is tabulated on attached Figure 1.

For the purposes of this petition for rule making, the following site coordinates for Channel 252A are assumed:

North Latitude: 42° 14' 49.0"; West Longitude: 86° 20' 06.0"

It is noted that in accordance with FCC 73.313(d)(2)(i), to calculate the average terrain elevation, terrain averages for the 270° and 315° radials were excluded as the entirety of the 3.0 to 16.0 km. portions of the radials, as well as the 50 uV/m contours, extend over Lake Michigan. Based on the six remaining radials, the average elevation at the reference site was determined to be 196.4 meters AMSL, and the center of radiation of the proposed antenna is therefore 296.4 meters AMSL or 100.0 meters H.A.A.T.

The foregoing statement and attached figures have been prepared by or under the direction of Howard S. Dybedock, and are true and accurate to the best of my knowledge and belief.



Howard S. Dybedock, President
Dybedock and Associates, Inc.

ATTACHED FIGURES:

Figure 1. - Channel 252A Spacing Study at Reference Coordinates

Figure 2. - Map showing 70 dBu. Coverage of Hartford, MI. by Channel 252A

Figure 3. - Map showing 70 dDu. Coverage of S. Haven, MI. by Channel 279A

Dataworld FM Spacing Study

Title: Channel 252A at Hartford, MI Reference Site

Latitude: N 42° 14' 49.0"

Channel: 252 A (98.3 MHz)

Longitude: W 86° 20' 06.0"

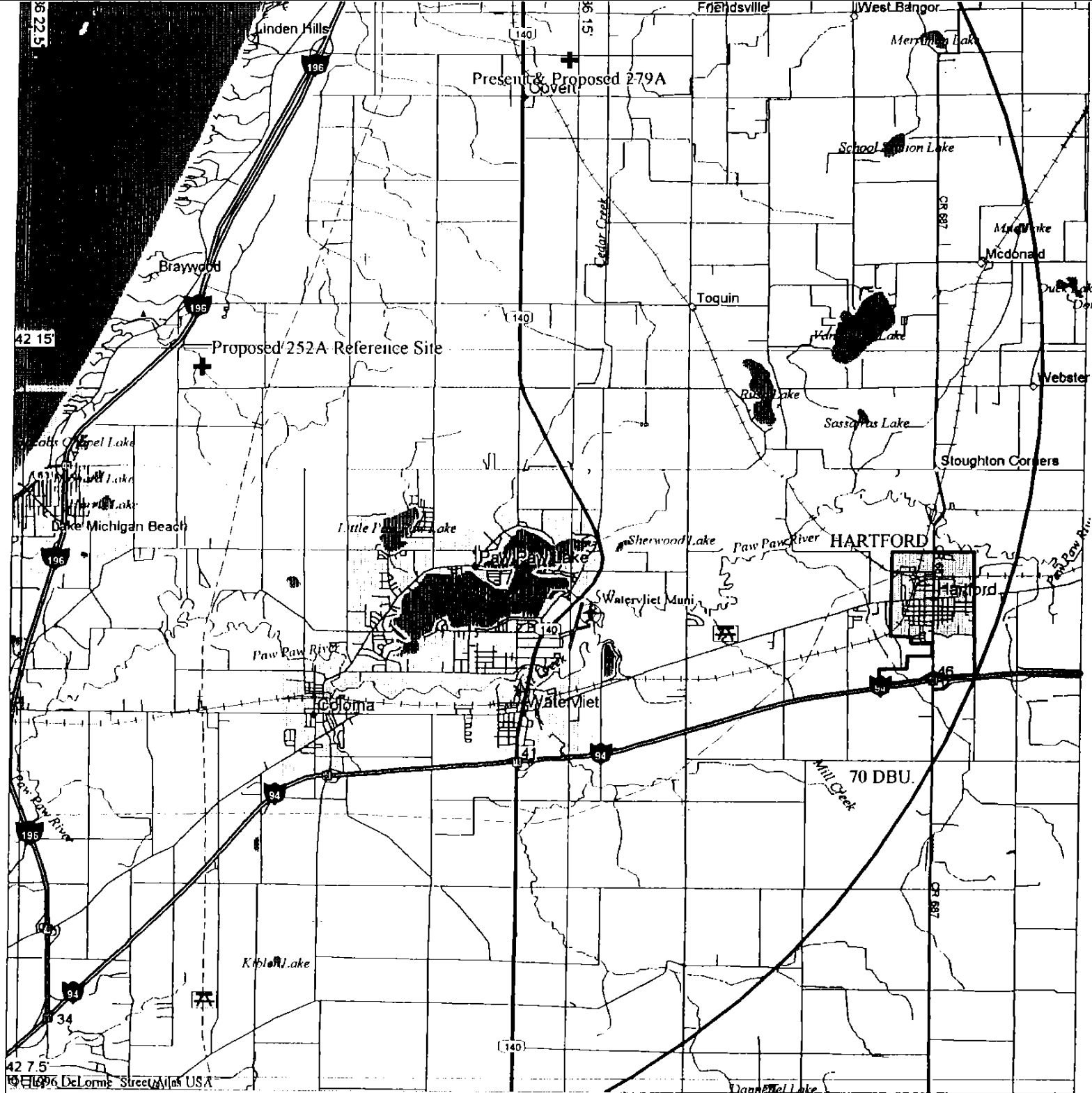
Database: DW 5/29/2002 5:30:26 PM

Safety Zone: 30.0 km

Call	Auth	Licensee name	Chan	HAAT(m)	ERP	Latitude	Br-to	Dist	Req
City of License		St	FCC File Number	Freq	HAMSL(m)	Longitude	-from	(km)	(km)
WZOW	Lic	Van Hawke - Johnson Communicatio	249 A	146.9	2.9 H	N 41° 36' 04.0"	154.7	79.28	31.00
Goshen		IN	BLH-19930406KD	97.7	392.0	W 85° 55' 41.0"	335.0	48.28	CLEAR
WGRD-FM	Lic	Regent Broadcasting of Victorvil	250 B	179.8	13 H	N 42° 47' 46.0"	42.4	83.04	69.00
Grand Rapids		MI	BLH-19880321KE	97.9	407.2	W 85° 38' 58.0"	222.8	14.04	CLOSE
WDFM	Lic	Citicasters Licenses, Inc. (2)	251 B	152.4	50 H	N 41° 17' 28.0"	124.9	183.3	113.0
Defiance		OH	BLH-19850701KJ	98.1	370.9	W 84° 32' 17.0"	306.1	70.29	CLEAR
WCSY-FM	Lic	WSJM, Inc.	252 A	123.1	1.9 H	N 42° 18' 02.0"	49.2	9.147	115.0
South Haven		MI	BLH-19920828KA	98.3	324.0	W 86° 15' 03.0"	229.3	-106	SHORT
ALLOC			252 A			N 41° 13' 04.0"	183.7	114.5	115.0
Culver		IN	DOC-00-34	98.3		W 86° 25' 21.0"	3.6	-0.46	SHORT
Granted effective 10/30/2000;									
WLCS	Lic	Joseph E. Cohen, Chapter 11 Trus	252 A	97.8	2.6 H	N 43° 16' 34.0"	3.6	114.6	115.0
North Muskegon		MI	BLH-19831223AE	98.3	291.1	W 86° 14' 45.0"	183.7	-0.44	SHORT
WNWN-FM	Lic	MWC, Inc.	253 B	143.3	50 H	N 42° 03' 28.0"	100.4	112.5	113.0
Coldwater		MI	BLH-790601AC	98.5	435.9	W 84° 59' 51.0"	281.2	-0.47	SHORT
WFRG	Lic	Haith Broadcasting Corporation	254 A	150.0	2.75 H	N 43° 01' 57.0"	30.7	101.8	31.00
Grand Rapids		MI	BLH-19920806KD	98.7	378.0	W 85° 41' 47.0"	211.1	70.77	CLEAR
ALLOC			255 A			N 43° 54' 08.0"	4.1	184.4	31.00
Walhalla		MI	DOC-97-118	98.9		W 86° 10' 13.0"	184.2	153.4	CLEAR

>> End of channel 252 A study <<

FIGURE 1.
Channel 252A Spacing Study
At Hartford, Michigan
Reference Site



Mag 12.00
 Tue Nov 19 14:52 2002
 Scale 1:100,000 (at center)
 2 Miles
 2 KM

- | | |
|------------------------------|------------------|
| — Secondary SR/Road/Hwy Ramp | - - - Railroad |
| — Major Connector | ● Small Town |
| — State Route | — Airfield |
| — Road Under Construction | ▲ Summit |
| — Trail | ◇ Locale |
| — Interstate/Limited Access | ✈ Public Airport |
| — Rest Area with facilities | ✈ Exit |
| — Utility/Pipe | + Cemetery |

FIGURE 2.
PROPOSED CHANNEL 252A
70 dBu. CONTOUR AT
HARTFORD, MI.

Mag 12.00
 Tue Nov 19 14:34 2002
 Scale 1:100,000 (at center)
 2 Miles
 2 KM

- Secondary SR/Road/Hwy Ramp
- Airfield
- Park/Reservation
- Locale
- Public Airport
- Exit
- Cemetery
- Population Center
- County Boundary
- Small Town
- Railroad
- Utility/Pipe
- Interstate/Limited Access
- Trail
- State Route
- Major Connector

FIGURE 3.
PROPOSED CHANNEL 279A
70 DBU. CONTOUR AT
SOUTH HAVEN, MI.

